

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Robert B. Kugler, USDJ
	:	
v.	:	
	:	
BRIAN PUGH, <i>et al.</i>	:	Crim. No. 19-cr-191

This matter having come before the Court for a final pretrial conference; and the United States (R. David Walk, Jr. and Christina O. Hud, Assistant U.S. Attorneys, appearing); and defendants Brian Pugh (Michael A. Baldassare and Jennifer Mara, Esqs., appearing), Thomas Schallus (John C. Whipple, Esq., appearing), John Sher (Jerome A. Ballarotto, Esq., appearing), Thomas Sher (Joseph P. Grimes, Esq., appearing), and Christopher Broccoli (Mark W. Catanzaro, Esq., appearing) and the Court having determined that this matter should be scheduled for trial; and for good cause shown,

It is on this 26th day of May, 2022, **ORDERED** that:

1. The Government shall provide its pre-marked exhibits on or before **July 15, 2022**.
  - a. The authenticity and chain of custody of the Government's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with Paragraph 1(b).
  - b. If the Defendants wish to contest the authenticity or chain of custody of an exhibit, counsel for the Defendants shall file, on or before **July 29, 2022**, a notice that the authenticity and/or chain of custody of the exhibit will be contested at trial together with a statement delineating why the

authenticity and/or chain of custody of the exhibit is being challenged and certification that the challenge is being made in good faith.

2. The Defendants shall provide their pre-marked exhibits on or before **July 29, 2022**.
  - a. The authenticity and chain of custody of the Defendants' pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with Paragraph 2(c).
  - b. If the Defendants disclose the scientific analysis of an exhibit that they propose to introduce at trial and that analysis has been determined by an expert in the field of science involved, the scientific analysis of the exhibit shall be deemed to have been accepted unless an objection is asserted in the form set forth in Paragraph 2(c).
  - c. If the Government wishes to contest the authenticity, chain of custody, or scientific analysis of an exhibit, counsel for the Government shall file, on or before **August 8, 2022**, a notice that the authenticity, chain of custody, and/or scientific analysis of the exhibit will be contested at trial together with a statement delineating why the authenticity, chain of custody, and/or scientific analysis of the exhibit is being challenged and a certification that the challenge is being made in good faith.
3. The Government shall provide all material to be disclosed under *Giglio v. United States*, 405 U.S. 150 (1972) and its progeny, on or before **August 1, 2022** and shall provide any material to be provided under the *Jencks* Act, 18 U.S.C. §3500, on or before the same date.
4. The Defendants shall produce all "reverse *Jencks*" that is required to be disclosed under Federal Rule of Criminal Procedure 26.2 on or before **August 8, 2022**.
5. If the Government intends to offer any Rule 404(b) evidence, the Government shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before **July 15, 2022**.

6. If the Defendants intend to offer any “reverse Rule 404(b)” evidence, the Defendants shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before on or before **August 1, 2022**.
7. The parties shall file any *in limine* motions, addressed to the admissibility of evidence, on or before **July 22, 2022**; responses to such motions may be filed on or before **August 1, 2022**; replies, if any, may be filed on or before **August 5, 2022**; and oral argument on such motions shall be held on a date to be set by the Court.
8. The parties shall file any *voir dire* requests on or before **August 8, 2022**.
9. The Government shall file any requests to charge addressed to (a) preliminary instructions to the jury, and (b) the elements of the offenses at issue, on or before **August 8, 2022**.
10. The Defendant shall file any requests to charge addressed to (a) preliminary instructions to the jury, and (b) the elements of the offenses at issue, on or before **August 8, 2022**.
11. The parties shall file all other requests to charge on or before **September 2, 2022**.
12. Jury selection and trial shall commence on **August 15, 2022 at 9:00 a.m.**

It is **SO ORDERED**.

A handwritten signature in blue ink, appearing to read 'R. B. Kugler', is written above a horizontal line.

THE HONORABLE ROBERT B. KUGLER  
United States District Court Judge